IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 16474 of 2005

Between:

Attada Sailaja Venugopal, w/o Venugopal Naidu,
M/s.Sai Theertha Associates (Regd.No.12/03),

Visakhapatnam.

..... PETITIONER

AND

1 The Government of A.P.,

rep., by the Principal Secretary,

Revenue Department, Secretariat,

Hyderabad, and 3 others.

.....RESPONDENTS

ORDER: **(Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)**

Heard learned Counsel for the parties.

The second respondent issued auction notification for sale of two acres

of land in Sy.No.12 of Madhurawada Village, Visakhapatnam, belonging to the third respondent through public auction. The public auction was held on 29-09-2002, and petitioner was the highest bidder. A writ petition was filed being W.P.No.18188 of 2002 assailing the sale by auction, and this Court by order dated 20-09-2002, directed that auction may be held but the sale may not be finalized. This writ petition was finally disposed of on 03-08-2004.

The grievance of the petitioner is that although he was the highest bidder and had paid substantial amounts, but the lands were not being registered in his name.

Counters were filed.

On 27-09-2004, this Court came to the conclusion that respondents were resisting the registration of the sale deeds only because certain amounts had not been paid in accordance with the schedule by the writ petitioner. Therefore, we passed the following order on 27-09-2005:

> "After hearing for a while the learned Counsel for the parties, we think it would be appropriate to direct the petitioner to deposit the balance consideration amount along with interest so that his bonafides are also checked. Even otherwise, the respondents have no objection to register the sale deeds and hand over the possession, if the balance consideration amount along with interest, is paid. The learned Counsel for respondents shall communicate to the Counsel for petitioner within two days, the total amount payable to them by the petitioner and such amount shall be deposited by the petitioner within two weeks from today, with the Registrar (Judicial) of this Court."

The material papers have been filed today. We are told that the third respondent gave a statement to the writ petitioner, immediately after our order, showing thereby that the balance amount was Rs.74,62,187/-. This amount was, thereafter deposited by the petitioner before the Registry of this Court. Since the whole amount along with interest, which is to be paid to the third

respondent, has already been deposited by the petitioner, therefore, we do not think that there should be any difficulty in registering the necessary documents.

Since the petitioner has paid the whole amount along with the interest, therefore the writ petition is allowed. Respondent No.3 is directed to affect registration of the documents and hand over the possession within a period of eight weeks from today. Till that time, i.e., for a period of two months, the amount shall be kept in a Fixed Deposit. Thereafter, the amount deposited with the Registry shall be reimbursed to respondent No.3. No costs.

(Bilal Nazki, A.C.J)

17th October, 2005

(R.Subhash Reddy, J)

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